

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 12499550/LKA	FOR FURTHER ACTION	See item 4 below
International application No. PCT/AU2004/001273	International filing date (<i>day/month/year</i>) 17 September 2004 (17.09.2004)	Priority date (<i>day/month/year</i>) 17 September 2003 (17.09.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ICT SYSTEMS PTY LTD		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 21 March 2006 (21.03.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Dorothee Mülhausen</div> Telephone No. +41 22 338 87 40
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PATENT COOPERATION TREATY

REC'D 08 DEC 2004
 WIPO PCT

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Davies Collison Cave
Level 15
1 Nicholson Street
MELBOURNE VIC 3000

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 12499550/LKA/GAV		Date of mailing (day/month/year) 29 NOV 2004	
FOR FURTHER ACTION See paragraph 2 below			
International application No. PCT/AU2004/001273	International filing date (day/month/year) 17 September 2004	Priority date (day/month/year) 17 September 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. 7 H04Q 7/36; G08B 1/00			
Applicant ICT SYSTEMS PTY LTD et al			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer <div style="text-align: center;"> MARK O'MALLY </div> Telephone No. (02) 6283 2142
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001273

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/001273

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1 – 20	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1 – 20	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1 – 20	YES
	Claims NONE	NO

2. Citations and explanations:

Reference is made to the following documents cited in the ISR:

D1 WO 2001/078434 A1 – See abstract
D2 EP 0866628 A2 – See entire document
D3 GB 2311191 A – See abstract, Fig. 4

NOVELTY (N) and INVENTIVE STEP (IS) claims 1-20:

Citations D1-D3 all relate to systems for controlling the transmission power of a base station within a cellular system. The transmit power of a member base station can be controlled remotely when the system experiences excessive traffic within a cell, or detects signal loss as a result of nodal failure within the system.

None of these documents, however, disclose a system for configuring/maintaining coverage areas within a micro-cellular network by controlling the transmission power of at least one base station for a desired micro-cell signal coverage/radiation pattern as described in claims 1-20. There is no indication in any of the documents that the disclosed systems are capable of configuring micro-cellular footprints by “adjusting the wireless transmission power of said base stations such that at least one base station in each micro-cell is a member of another micro-cell” (claim 1). As a result it is considered that the requirements of novelty have been met. Since the person skilled in the art would not have arrived at the claimed subject-matter without exercising an inventive step, claims 1-20 are also considered as meeting the requirements of inventive step.